



Frequently Asked Questions about the **Concentrated Animal Feeding Operation (CAFO) Permit**

from Ecology's Water Quality Program

The Department of Ecology (Ecology) revised the draft general permit covering Concentrated Animal Feeding Operations (CAFOs). Ecology is proposing to reissue the final permit soon after the public comment period ends.

Q: How do I comment on this draft permit?

A: You are encouraged to send comments to the Department of Ecology at:

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Written comments must be received no later than 5 pm, Monday, **December 5, 2005**. You may also give comments to the Department of Ecology at one of the three public hearings.

Q: How does the 2nd Circuit Court ruling affect the permit?

A: In February 2005, the Second Circuit Court of Appeals ruled on a lawsuit regarding the federal CAFO rule. This court ruled:

1. Only CAFOs that have a discharge or expect to discharge must apply for a permit.
2. Site-specific nutrient management plans must be part of the permit application and subject to public review.
3. Runoff from land-applied manure is a point source of pollution, if it's from a CAFO. However, agricultural stormwater runoff from areas meeting proper land application requirements is exempt from the permit.
4. NPDES permitting authorities must provide oversight of the nutrient management plans.

Washington State's CAFO General Permit must be consistent with the federal rule and the court decision.

Q: Who needs a permit?

A: Large CAFOs need a permit, if they discharge or propose to discharge to state waters. Any designated CAFO or medium Animal Feeding Operation (AFO) that discharges to state waters must also get a permit. Any Animal Feeding Operation (AFO) may choose to get a permit. For more details see Ecology's: *Is my operation a CAFO?* (#05-10-92)

Q: What will this permit require?

A: Your permit will require you to:

- Implement a nutrient management plan
- Submit annual reports to the state and send updates to your nutrient management plans to the state
- Retain records of your nutrient management practices for at least five years
- Conduct annual soil tests from nutrient application areas (Large CAFOs only)



Q: Is ground water monitoring required in the permit?

A: No.

Q: Why do I need a permit?

A: New federal rules require some CAFOs to be covered under a permit. The Environmental Protection Agency (EPA) adopted the rules in February, 2003, and a recent court decision changed the requirements of the federal CAFO rule and state CAFO permit. Ecology and Washington State Department of Agriculture (WSDA) are responsible for implementing this rule at the state level.

Animal manure is a valued resource, when managed effectively. While nutrients like phosphorus and nitrogen are valuable components of manure and essential for crop growth and animal production, improper management of manure can lead to excessive nutrient loading in rivers, streams, and lakes. Excessive nutrients in waterways cause too much plant growth, fish kills, and reduces aesthetic and recreation quality.

Q: How will the permit protect the environment?

A: This permit ensures that manure is properly stored and used. CAFOs required to get a permit must design and maintain their production area to prevent a discharge to waters of the state except during the biggest rainfall. Manure can only be spread on crops if it is applied at agronomic rates. An agronomic rate is the rate manure can be applied to meet crop needs while avoiding over applications. In other words, the plants can use all of the nutrients in the manure, and it won't run off into the water.

Q: Will the nutrient management plans be available to the public?

A: As part of the permit, CAFOs must write and follow a nutrient management plan. This is a federal requirement. The court ruling stated that when nutrient plans are used as effluent limits they are subject to public review and must be submitted with the permit application.

CAFOs maintain nutrient management plans on-site. If a CAFO believes a portion of the nutrient management plan contains confidential business information, the CAFO must notify Ecology (see RCW 43.21A.160). Any confidential business information will not be made available to the public.

Q: Which state agency is running the CAFO program?

A: In July 2003, the legislature transferred the CAFO Program from the Department of Ecology to the Department of Agriculture (WSDA). The Department of Ecology is still in charge of writing the CAFO general permit and providing permit coverage. WSDA inspects the CAFOs and works with them to solve any compliance problems.

Q: How do I cancel a permit?

A: If you are no longer operating the facility, you must file a notice of termination or transfer the permit to the current operator. If you have a permit and are still operating, you must have a nutrient management plan in place and no discharges for three years in order to terminate your permit. You still must file a notice of termination.

Q: How do I find more information?

A: Copies of the draft permit, fact sheet and application are available on Ecology's web page at: www.ecy.wa.gov/programs/wq/permits/cafo. For more information, please contact Kevin Hancock of the Department of Ecology at 360-407-6283 or khan461@ecy.wa.gov.

If you need this information in an alternate format, please contact us at 360-407-6401. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.